

**Senate Bill No. 323**

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Passed the Senate      September 10, 1999

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*Secretary of the Senate*

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Passed the Assembly      September 9, 1999

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 1999, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to add Chapter 2.5 (commencing with Section 5072) to Title 7 of Part 3 of, and to add and repeal Chapter 3.4 (commencing with Section 13827) of Title 6 of Part 4 of, the Penal Code, relating to crime prevention.

## LEGISLATIVE COUNSEL'S DIGEST

SB 323, Hayden. Crime prevention.

Existing law imposes increased penalties for crimes committed by criminal street gangs and provides remedies for the confiscation of firearms and other deadly weapons owned or possessed by gang members. Existing law also requires the Commission on Peace Officer Training to implement a course of instruction to provide ongoing training to peace officers on methods of gang law enforcement and establishes in the Office of Criminal Justice Planning, the Gang Violence Suppression Program to provide financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and community-based organizations that are primarily engaged in the suppression of gang violence.

This bill would create the Commission on Prison Peace to identify the causes of violence and recommend innovative approaches to prevent them and increase the conditions of peace and safety in the correctional system. The bill would require that the chair of the commission be appointed by the Governor and consist of 10 additional members appointed by the Governor, as specified, the Speaker of the Assembly, and the Senate Committee on Rules. By increasing the duties of local officials, this bill would impose a state-mandated local program.

This bill would also establish the Peace Process Task Force to hold public hearings, make findings and recommendations regarding gang violence prevention, and to promote efforts to create a peace process. The task force would be a joint project of state government,



educational institutions, and private foundations, consisting of 11 members, including 3 members whose backgrounds include former gang membership, incarceration, and personal efforts to create gang truces, and a commitment to a peaceful, legal, and democratic means of resolving inner-city violence. The membership would be appointed as specified by the Senate Committee on Rules, the Speaker of the Assembly, and the Governor. The task force would be required to hold at least 5 public hearings in specified locations for specified purposes and prepare a comprehensive report to be presented to the Senate and Assembly Public Safety Committees and the Governor beginning January 1, 2001, regarding the formulation of comprehensive public policy that identifies strategies for reducing gang-related crime and violence.

The provisions of the bill would remain in effect only until January 1, 2002. The bill would also provide that it is to become operative only if funding is appropriated by the Budget Act of 1999.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2.5 (commencing with Section 5072) is added to Title 7 of Part 3 of the Penal Code, to read:



## CHAPTER 2.5. COMMISSION ON PRISON PEACE

5072. (a) There is hereby created the Commission on Prison Peace.

(b) The commission shall be chaired by an appointee of the Governor, and shall consist of 10 additional members appointed as follows:

(1) The chair and five additional members shall be appointed by the Governor upon subsequent approval of the Senate. The five appointees shall have experience and expertise in corrections or law enforcement.

(2) Two members shall be appointed by the Speaker of the Assembly, and two members shall be appointed by the Senate Committee on Rules. The legislative appointees shall be academic, religious, or community leaders with demonstrated records of working to lessen gang violence or prison violence.

(3) The Attorney General or a designee.

(c) The commission shall identify the causes of violence and recommend innovative approaches to prevent them and increase the conditions of peace and safety in California's correctional system, including probation camps, county jails, the state prison, and high-security facilities, including the Corcoran Secured Housing Unit. The commission shall hold public hearings and seek the testimony of correctional officers, prison inmates, former inmates, policy experts, academic specialists, and community leaders. At least one public hearing will be held in a prison setting or in a location where inmate participation or dialogue is made possible.

(d) No later than September 1, 2000, the commission shall report its preliminary findings, and no later than December 31, 2000, submit a final report, to the Governor and the Legislature. The preliminary findings and final report shall include a summary of the information gathered from all types of sources and proposals for reducing prison violence.

(e) The commission shall meet initially upon the call of the chair, and shall adopt rules governing its proceedings. The commission shall operate by consensus

or, failing consensus, shall adopt procedures for noting majority and minority viewpoints in its record and report.

(f) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.

SEC. 2. Chapter 3.4 (commencing with Section 13827) is added to Title 6 of Part 4 of the Penal Code, to read:

#### CHAPTER 3.4. PEACE PROCESS TASK FORCE

13827. There is hereby established the Peace Process Task Force to hold public hearings, make findings and recommendations regarding gang violence prevention, and promote efforts to create a peace process.

13827.1. (a) The task force as a joint project of state government, educational institutions, and private foundations shall consist of 11 members appointed as follows:

(1) Two members shall be appointed by the Senate Committee on Rules, one of whom shall have personal experience with gang issues, as specified in paragraph (4). One member shall have professional experience with economic development and job creation in communities with significant gang, crime, or violence problems.

(2) Two members shall be appointed by the Speaker of the Assembly, one of whom shall have personal experience with gang issues, as specified in paragraph (4). One member shall have academic or public policy experience with issues related to gangs, crime, and violence.

(3) Four members shall be appointed by the Governor. One member shall be a sheriff. One member shall be a chief of police or a law enforcement officer who has extensive experience with gang-related violence prevention. One member shall be a private citizen who has professional experience with economic development in communities with significant gang, crime, or violence problems.



(4) The membership of the task force shall include an additional three persons whose backgrounds include former gang membership, incarceration, and personal efforts to create gang truces, and a commitment to a peaceful, legal, and democratic means of resolving the problem of inner-city violence. These three members shall be appointed by the chair, in consultation with the office of the Attorney General. When making these appointments, the chair shall ensure that the northern, central, and southern regions of California are adequately represented on the task force.

(b) The membership of the task force shall reflect the ethnic and geographic complexity of the gang problem in this state.

(c) The appointments made pursuant to paragraphs (1) to (3), inclusive, of subdivision (a) shall be made on or before February 15, 2000. The appointments made pursuant to paragraph (4) of subdivision (a) shall be made on or before March 1, 2000.

(d) The Governor shall select a chair, to be confirmed by the Senate, from among the members of the task force. Included in the chair's duties shall be calling and chairing meetings, publicly representing the task force where necessary, leading an inclusive process, encouraging the maximum involvement of all task force members, and encouraging support and partnerships with the private sector and other institutions.

(e) The task force may select up to two vice chairs, select officers, and establish committees among its members. Each committee shall meet as often as the committee members find necessary. It is the intent of the Legislature that all task force members shall actively participate in all task force deliberations required by this chapter. Any member who misses three consecutive meetings or attends less than 50 percent of the task force's regularly scheduled meetings in any calendar year for any cause except severe temporary illness or injury shall be automatically removed from the task force.

(f) Members of the task force shall receive no compensation for their services, but shall be reimbursed



for the expenses actually and necessarily incurred by them in the performance of their duties under this chapter. No compensation or expenses shall be received by the members of any continuing task forces, review committees, or other auxiliary bodies created by the task force who are not task force members, except that persons requested to appear before the task force with regard to specific topics on one or more occasions shall be reimbursed for the travel expenses necessarily incurred in fulfilling those requests.

13827.2. The task force shall do all of the following:

(a) Hold at least four public hearings, with at least two in communities most heavily marked by urban violence and the first of the four public hearings held no later than April 15, 2000.

(b) Hold an additional public hearing in a prison setting or in a location where inmate participation or dialogue is made possible.

(c) Include those who have created gang truces directly in the process of defining and recommending alternatives that will lessen or prevent violence in the inner city.

(d) Create a common ground of discussion among public officials, law enforcement, and those individuals attempting to transform their lives from violence to nonviolent empowerment.

(e) Forge formal partnerships in at least one local community experiencing significant gang problems in each of the northern, central, and southern regions of California, with representatives of the corporate community, the local business sector, local law enforcement, local government, local providers of social and related services, local neighborhood associations, and with members of the community, for the following purposes:

(1) Identifying the local problems and needs of each specific community as they relate to gangs, violence, and crime.

(2) Identifying strategies, which, at a minimum, include strategies related to gang truces, job creation, and



social services, to address problems related to local gang, violence, and crime problems.

(3) Identifying and making efforts to secure resources necessary for implementing local strategies.

(f) Assess and recommend possible ways of breaking the cycle of gang violence through early childhood programs, remedial education and training, inner-city jobs, drug treatment, and other violence prevention strategies.

(g) Provide assistance and advice to local governments or communities suffering from gang violence. This assistance may include counseling, mediation, speakers, public education, and promoting models of local forms of violence prevention.

(h) Prepare a comprehensive report which shall be presented to the Senate and Assembly Public Safety Committees and the Governor by January 1, 2001, concerning the formulation of comprehensive public policy that identifies state and local strategies for reducing gang-related crime and violence.

13827.3. Notwithstanding Section 7550.5 of the Government Code, the task force shall prepare and submit an annual report to the Legislature and to the Governor by January 1, 2001, and on January 1st of the following year.

13827.4. The office of the Attorney General shall, and the Senate Office of Research may, make staff resources available to the task force for the purpose of providing research, policy, and technical assistance. Additionally, foundations, educational institutions, and private sector parties are encouraged to offer staff and other in-kind resources.

13827.5. No more than two hundred thousand dollars (\$200,000) shall be spent over two years on expenditures for the four hearings, publications, staffing, and administrative expenses required by the task force as described in this chapter.

13827.51. This chapter shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a



later enacted statute that is enacted before January 1, 2002, deletes or extends that date.

SEC. 3. This act shall only become operative if there is an appropriation in the Budget Act of 1999 to fund the provisions of this act.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Approved \_\_\_\_\_, 1999

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*Governor*

